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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/648,408

Applicant(s)

SHETH ET AL.

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12.16.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the amendment filed on February 13, 2004. Claims 1-23 are pending. Claims 22 and 23 have been added.

### ***Response to Arguments***

2. In review the declaration and the exhibit submitted by the applicants on February 13, 2004, which states claimed invention was established prior to the filing date of the examiner applied prior art Bukow (U. S. Patent 6,567,784), the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-15 and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker, U. S. Patent 5,862,223.

As to claim 12, Walker teaches a computer implemented method, comprising:

- a) Accepting on a website, the posting of a service offering by a seller (column 13 lines 13-20, 35-39 and column 14 lines 25-32 and column 21 lines 1-11 and Fig. 1);

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- b) Receiving requirements for the service offering from a buyer (column 16 line 62 – column 7 line 35 and column 18 lines 31-32 and column 37 lines 47-53 and Figs. 6, 30);
- c) Returning an optimized list of service offering to the buyer in accordance with the buyer's requirements (column 21 lines 12-37 and column 37 lines 54-61 and Figs. 6, 30);
- d) Accepting a purchase request for the service offering from the buyer (column 37 line 61 – column 38 line 3 and Fig. 30).

As to claim 13, Walker teaches at least one of the buyer's requirement is inflexible (column 17 lines 16-35).

As to claim 14, Walker teaches the optimized list includes service offerings that meet all of the buyer's requirements (column 17 lines 16-35 and column 21 lines 12-22).

As to claim 15, Walker teaches the optimized list includes service offerings that meet a subset of the buyer's requirements (column 17 lines 16-35 and column 21 lines 12-22).

As to claim 17, Walker teaches in a computer system, an apparatus used by a buyer and seller for buying and selling services over a network, comprising (Fig. 1): a web server for connecting to the network; an application connected to the web server for generating information based on communication with the buyer and seller; a database connected to the application for storing information received from the application in memory (column 13 lines 13-20, 35-39 and Figs. 1-3).

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As to claim 18, Walker teaches a computer-implemented method for the using of an on-line services marketplace by a buyer comprising (Fig. 1):

- a) Posting a project on a website (column 13 lines 13-20, 35-39 and column 16 line 62 – column 17 line 21 and Figs. 1, 6);
- b) Receiving via the website a bid on the project from a seller (column 13 lines 13-20, 35-39 and column 37 lines 48-61 and Figs. 1, 30);
- c) Accepting the bid via the website (column 13 lines 13-20, 35-39 and column 37 line 61 – column 38 line 3 and Figs. 1, 30);
- d) Working on the project with the seller in a collaborative workspace (column 26 line 59 – column 27 line 3).

As to claim 19, Walker teaches a computer-implemented method for the using of an on-line services marketplace by a seller comprising (Fig. 1):

- a) Posting a service offering on a website (column 13 lines 13-20, 35-39 and column 14 lines 25-32 and column 21 lines 1-11 and Fig. 1);
- b) Receiving a purchase request for the service offering from a buyer (column 16 line 62 – column 7 line 35 and column 18 lines 31-32 and column 37 lines 47-53 and Figs. 6, 30);
- c) Accepting the purchase request via the website (column 13 lines 13-20, 35-39 and column 37 line 61 – column 38 line 3 and Figs. 1, 30);
- d) Working on the project with the buyer in a collaborative workspace (column 26 line 59 – column 27 line 3).

As to claim 20, Walker teaches a computer-implemented method for the using of an on-line services marketplace by a seller comprising (Fig. 1):

- a) Placing a bid on a project posted by a buyer on a website (column 13 lines 13-20, 35-39 and column 37 lines 54-61 and Figs. 1, 30);
- b) Receiving via the website an acceptance of the bid by the buyer (column 13 lines 13-20, 35-39 and column 37 line 54-65 and Figs. 1, 30);
- c) Working on the project with the buyer in a collaborative workspace (column 26 line 59 – column 27 line 3).

As to claim 21, Walker teaches a computer-implemented method for the using of an on-line services marketplace by a buyer comprising (Fig. 1):

- a) Making a purchase request for a service offering posted by a seller on a website (column 13 lines 13-20, 35-39 and column 21 lines 12-26 and Figs. 1, 8);
- b) Receiving via the website an acceptance of the purchase request by the seller (column 13 lines 13-20, 35-39 and column 21 lines 12-36 and Figs. 1, 8);
- c) Working on the project with the seller in a collaborative workspace (column 26 line 59 – column 27 line 3).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 5,862,223 in view of Salas et al., U. S. Patent 6,233,600.

As to claim 1, Walker teaches a computer implemented method, comprising:

- a) Accepting a posting on website of a project that a buyer wants to completed (column 13 lines 13-20, 35-39 and column 16 line 62 – column 17 line 21 and Figs. 1, 6);
- b) Receiving a bid on the project from a seller (column 37 lines 48-61 and Figs. 1, 30);
- c) Allowing the buyer to accept the received bid from the seller (column 37 line 61 – column 38 line 3 and Fig. 30);
- d) Allowing the buyer and the seller to work on the project in a collaborative workspace accessible by the buyer and the seller (column 26 line 59 – column 27 line 3).

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Walker does not specifically teach allowing the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyers and the seller. However, this matter is taught by Salas as allowing only the members who are assigned to the project work in a collaborative workspace (abstract and column 4 line 66 – column 5 line 11 and Fig. 8). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the teachings of Walker to include the feature of allowing the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyer and the seller because this would allow both of the buyer and the seller to quickly and securely accomplish the project.

As to claim 2, Walker teaches the posting includes a project name (column 16 line 62 – column 17 line 21; specifically, “project name” corresponds to subject area in Walker’s teaching).

As to claim 3, Walker teaches the posting includes a project description (column 16 line 62 – column 17 line 1).

As to claim 4, Walker teaches the posting includes a category (column 16 line 62 – column 17 line 21 and column 25 lines 26-34).

As to claim 5, Walker teaches the posting includes a price estimate (column 16 line 62 – column 17 line 21).

As to claim 9, Walker teaches the collaborative workspace includes one or more communication tools (column 26 line 59 – column 27 line 3). Walker does not specifically teach the collaborative workspace includes a file structure, one or more workbenches, and one or more project management tools. However, Salas teaches



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these matters (Salas: Figs. 1-4). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the teachings of Walker modified by Salas as discussed above to include these features because these would allow both of the buyer and the seller to quickly and securely accomplish the project.

As to claim 16, Walker teaches a computer implemented method, comprising:

- a) Accepting on a website, the posting of a service offering for a project by a seller (column 13 lines 13-20, 35-39 and column 14 lines 25-32 and column 21 lines 1-11 and Fig. 1);
- b) Receiving requirements for the service offering from a buyer (column 16 line 62 – column 7 line 35 and column 18 lines 31-32 and column 37 lines 47-53 and Figs. 6, 30);
- c) Accepting a purchase request for the service offering from the buyer (column 37 line 61 – column 38 line 3 and Fig. 30);
- d) Allowing the buyer and the seller to work on the project in a collaborative workspace accessible by the buyer and the seller (column 26 line 59 – column 27 line 3).

Walker does not specifically teach allowing the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyers and the seller. However, this matter is taught by Salas as allowing only the members who are assigned to the project work in a collaborative workspace (abstract and column 4 line 66 – column 5 line 11 and Fig. 8). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the teachings of Walker to include the

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feature of allowing the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyer and the seller because this would allow both of the buyer and the seller to quickly and securely accomplish the project.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 5,862,223 in view of Salas et al., U. S. Patent 6,233,600 in further view of Rackson et al., U. S. Patent 6,415,270.

As to claim 6-8, Walker modified by Salas teaches receiving a bid on the project as discussed above. Walker modified by Salas does not specifically teach the bid is received in a closed auction, an open auction, or in a Dutch auction. However, Rackson teaches this matter (column 17 lines 16-29 and Figs. 5-9). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the bid in the modified teachings of Walker and Salas to be received from different types of auctions for generating the best matches for different types of user.

9. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 5,862,223 in view of Salas et al., U. S. Patent 6,233,600 in further view of Glasser et al., U. S. Patent 5,956,715.

As to claims 10-11, Walker modified by Salas teaches the collaborative workspace includes a file structure as discussed above. Walker modified by Salas does not specifically teach the file structure includes at least one private folder and/or at least one shared folder. However, Glasser teaches this matter (column 6 line 55 – column 7 line 3 and Fig. 4). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the file structure of Walker modified by Salas includes

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at least one private folder and/or at least one shared folder because this would allow the users to have options to secure or share certain information based on the best interest of the project.

10. Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al., U. S. Patent 5,862,223 in view of Walker et al., U. S. Patent 6,484,153.

As to claims 22-23, Walker (U. S. Patent 5,862,223) teaches returning an optimized list of service offering to the buyer in accordance with the buyer's requirements as discussed in claim 12 above. Walker (U. S. Patent 5,862,223) does not specifically teach the buyer or the seller does not take part in generating the optimal list. However, Walker (U. S. Patent 6,484,153) teaches buyer and seller does not take part in generating an optimal list of meeting the buyer's requirements (column 9 lines 1-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the optimal list in Walker's (U. S. Patent 5,862,223) teaching to be generated without buyer's or seller's participation for alleviating burdens from the buyer and seller.

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***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687      (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619      (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
May 4, 2004

